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February 4, 2006

The Federal Communications Commission  
Washington, D. C.

RE: Comments on RM-11305

Dear Commissioners:

As an amateur radio operator for over 35 years, I respectfully request that the Commission **DENY** in its entirety the Petition For Spectrum Deregulation in the Amateur Service, RM-11305. The proposal as written appears to hinge on a very naïve viewpoint, is disrespectful of current amateur practice and technically flawed. In addition, there does not appear to be any clear need for a change in the band regulations and the petitioners have apparently not considered the full extent of ramifications of such a change in regulatory philosophy.

The petitioners have conveniently overlooked documentation provided by other commenters and in the literature which shows that allowing the sharing of spectrum by incompatible modes has not worked in other countries. Indeed, the success of the proposed deregulation would critically hinge on the successful definition of informal band plans. To date there is no recognized procedure for determining such band plans, nor have the petitioners provided a means for the equitable determination of such band plans. Without a formal procedure and means to obtain consensus within the amateur radio community, disparate band plans are not only a possibility, but almost a foregone conclusion. Thus, instead of simplifying the Commission's role by deregulating spectrum management, the Commission will be subjected to interference complaints and can expect their enforcement workload to increase as the only recognized arbitrator for interference complaints.

As the petitioners point out, willful interference is indeed illegal according to current regulations. By deregulating the spectrum, the Commission would complicate the determination of what constitutes willful interference, since by deregulation, there will be a de facto encouragement to mix the use of incompatible modes on the same frequency. It has already become painfully obvious that analog and digital modes are incapable of sharing the same spectrum.

In support of their petition, a study was presented showing the band occupancy. I implore the Commission to ignore this study due to it's fundamentally flawed nature. Indeed the study took place within a single 12 hour period from a single location. In my travels, I have been unable to obtain results approaching those purported in the survey. Indeed, I have always found more CW activity than SSB, with many CW operators using extremely low power. Especially with the declining solar cycle, the inherent efficiency of CW appears to be effective in allowing communications. I fully realize that my observations do not qualify as scientific and unbiased. Thus the Commission should disqualify the consideration of the survey presented by the petitioners and any other survey not based on objective and well established survey criteria.

In the survey, the choice of a single Saturday in June to conduct the survey appears to predetermine the results stated. It is well known that in June much amateur activity takes place at night, since many people take the opportunity to indulge in outdoor activities during the day. My experience over many years is that Saturday morning and afternoon during the summers show relatively little activity, with more activity during the night time. Basing any long term regulatory decisions on such a flawed and short term study would be a severe mistake. The submission of a pseudo-scientific study would appear to be a waste of Commission time and, therefore, taxpayer resources.

In view of the seriously flawed nature of the recommendations put forth by the petitioners in their proposal, I respectfully request that the Commission **DENY** in its entirety RM-11305.

Sincerely,

Walter B. Fair, Jr., P. E.